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FILED

August 1, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

EFFECTIVE

June 14, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
SHAMS M. QURESHI, M.D.	:	
LICENSE NO. MA 04670600	:	THIRD INTERIM CONSENT ORDER
	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon the filing of a Verified Administrative Complaint and Order to Show Cause ("First Verified Complaint") on March 31, 2006, with a return date of April 19, 2006, and a Second Verified Administrative Complaint and Order to Show Cause ("Second Verified Complaint") on June 2, 2006 with a return date of June 14, 2006. Both Order to Show Cause applications sought the temporary suspension of the license of Respondent Shams M. Qureshi, M.D. to practice medicine and surgery and for other relief deemed appropriate pursuant to the authority conferred on the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq. and related administrative regulations.

The First Verified Complaint alleges violations of the Board's statutes and regulations based, in part, on Respondent's indictment on December 14, 2005 for, among other things, Conspiracy to Commit Health

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Care Claims Fraud. In addition, the First Verified Complaint alleges quality of care concerns regarding Respondent's record-keeping, and administration of pain management injections near, around and close to the spine. The Second Verified Complaint alleges violations of both the Interim Order to Voluntarily Cease and Desist the Practice of Medicine ("Second Interim Consent Order"), and the Board's Duty to Cooperate Regulation, N.J.A.C. 13:45C-1.4.

The Board, finding the within disposition to be adequately protective of the public health, safety and welfare,

IT IS on this 27th day of July, 2006,

ORDERED that:

1. Respondent, Shams M. Qureshi, M.D., is subject to limitations of his license to practice medicine and surgery in the State of New Jersey, and monitoring of his medical practice, as set forth in detail below, pending the disposition of the criminal action and further Order of the Board.

2. Respondent shall not perform, participate in, or instruct, either alone or in concert with another physician, the following pain management injections and/or procedures: Prolotherapy, Epidural Percutaneous Lysis of Adhesions within the spine, Radiofrequency lesioning procedures of the spine, and IDET procedures. Nothing herein shall be construed to prevent Respondent from participating in oral presentations in non-patient treatment settings. Respondent may perform other pain management injections and/or procedures but only under the

observance of a qualified, Board-approved Professional Observer, as set forth in detail below.

3. Professional Observer: A Board-approved Professional Observer shall be designated to observe all examinations, evaluations, and other medical and pain management services and/or procedures provided by Respondent.

Respondent shall be responsible to provide the Professional Observer with his weekly schedule setting forth the time and place where he will engage in the practice of medicine. Respondent shall certify as to the accuracy of this weekly schedule.

Functions: The Professional Observer shall accompany Respondent when he engages in medical practice, shall observe all medical practices of Respondent, and shall prepare a contemporaneous log ("daily log") recording any and all medical procedures and/or services that Respondent performs and/or provides. The daily log shall set forth the patient name, date, time and place where the medical procedures and/or services took place, and detail the medical procedures and/or services that Respondent provides to individual patients. The Professional Observer shall certify to the accuracy of each daily log.

The Professional Observer shall immediately provide copies of the daily log to the Billing Monitor on such a schedule as may be deemed necessary to allow the Billing Monitor to perform his or her designated functions on a timely basis.

The Professional Observer shall provide the Board with weekly oral reports and monthly written reports, to include copies of all daily logs prepared by the Professional Observer, detailing the monitoring activity

performed, and noting any perceived improprieties, practice deviations or regulation violations observed. These monthly written reports shall be delivered to Board counsel, Respondent's counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D. Respondent will have an opportunity to review and provide comments on the accuracy or opinions set forth in such reports within five (5) days of receipt.

The Professional Observer shall make immediate report to Respondent's counsel, the Attorney General, and Dr. Gluck of any instances where he or she makes a determination that Respondent has failed to materially comply with any of the provisions of this Order.

Requisite Qualifications: The Professional Observer shall be a New Jersey licensed health care professional approved by the Board. The Professional Observer shall be experienced in and familiar with all procedures that Respondent performs in his medical practice. The Professional Observer may be a licensed physician or an individual holding a limited license (including, but not limited to, a Certified Registered Nurse Anesthetist), provided an adequate demonstration is made that the Professional Observer has an appropriate background to be able to accurately record all medical services Respondent may perform.

4. Reports of the Professional Observer. The Professional Observer shall provide Dr. Gluck with weekly oral reports and monthly written reports, to include copies of all daily logs. Dr. Gluck will select ten (10) records of pain management injections and/or procedures to be forwarded to the Board-approved peer review expert, set forth in detail below. Within five (5) business days of Dr. Gluck informing Respondent

which records were selected, Respondent shall be responsible to forward to the Board-approved peer review expert certified true copies of the ten (10) patient records, including but not limited to, operative reports, anesthesia records, fluoroscopy scans both anterior-posterior and lateral, billing records, and any other documents relating to each injection.

5. **Peer Review**: A physician licensed to practice medicine in the State of New Jersey with a minimum of five (5) years experience and Board-certified in the area of pain management shall be designated to review the selected patient records of pain management injections and/or procedures performed by Respondent. The Board-approved peer review expert shall be experienced in and familiar with all pain management injections and/or procedures that Respondent performs in his medical practice. This peer review expert shall issue a monthly report detailing the procedures performed by Respondent and noting any perceived improprieties, practice deviations or regulation violations observed. These monthly reports shall be delivered to Board counsel, Respondent's counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D.

6. **Billing Monitor**: A Board-approved Billing Monitor shall be designated to oversee all billings and insurance claim submissions to include review of the appropriateness of all Current Procedural Terminology (CPT) codes billed for any and all medical services provided by Respondent.

Functions: Prior to their submission for payment, the Billing Monitor shall review all bills that Respondent generates in his provision

of medical and pain management services. The Billing Monitor shall then determine whether Respondent is accurately and appropriately billing and coding for medical services provided, and may in addition rely upon any and all log entries prepared by the Professional Observer when making said determination. The Billing Monitor shall make an immediate report to Respondent's counsel, the Professional Observer, Dr. Gluck, and the Attorney General of any instances where he or she makes a determination that Respondent submitted an inappropriate, unsubstantiated, or inappropriately coded bill. Respondent hereby agrees to refrain from submitting to patients or insurers any bill which is the subject of such a report. The Billing Monitor shall also issue monthly reports detailing the monitoring activity performed, and noting any perceived improprieties, practice deviations or regulation violations observed. The reports herein shall be delivered to Board counsel, Respondent's counsel, the Attorney General, and the Medical Director of the Board, Joseph Gluck, M.D. Respondent will have an opportunity to review and provide comments on the accuracy or opinions set forth in such reports within five (5) days of receipt.

Requisite Qualifications: The Billing Monitor shall be experienced in and familiar with medical billings and CPT coding, with particularized knowledge of appropriate CPT codes for pain management diagnoses and treatment.

7. Access to Records. The Board-approved Professional Observer, Board-approved Billing Monitor, and Board-approved peer review expert (jointly, "Monitors") shall have unfettered access to original patient

medical records for those patients provided medical treatment by Respondent during the period of time encompassed by the monitoring.

8. Approval of Monitors. The Monitors shall be approved by the Board prior to commencing their monitoring functions. Not later than five (5) business days from the date of entry of this Order, Respondent shall propose individuals to serve as the Monitors delineated herein, and shall provide a curriculum vitae setting forth the experience of any proposed individuals for the Board's consideration. The Board shall consider any nominated individuals, and shall approve said nominated individuals provided a satisfactory demonstration is made that the individuals possess appropriate backgrounds to fulfill the functions of each monitoring position. The Board shall not unreasonably withhold approval of appropriately qualified individuals. In the event no suitable individuals are nominated to serve in a particular monitoring position, the Board shall independently select and appoint appropriately qualified individuals to serve.

Dr. Gluck shall apprise the Monitors of their duties and provide them with a copy of this Order. The parties agree that Dr. Gluck may contact them via a conference call for the purpose of informing the Monitors of their duties.

Felix Roque, M.D. is approved to be Respondent's Peer Review Expert. Dr. Gluck and Dr. Roque are to engage in a face-to-face meeting to discuss Dr. Roque's responsibilities as the Peer Review Expert.

Prior to Respondent resuming his practice of medicine, Dr. Gluck is to provide both the Attorney General and Respondent's counsel with a

letter notifying both parties that all monitors are approved and determined ready to be put into place.

9. Costs. Respondent is directed to pay all reasonable fees and costs associated with the retention and employment of the Monitors set forth in this Order and any record duplication required hereunder, with exception of costs and services associated with the Board's Medical Director. Said individuals shall be compensated at rates commensurate with the individual's ordinary and customary rates of compensation. Respondent shall establish an escrow account through an outside entity or attorney for the purpose of securing the payment of all costs associated with the monitoring ordered herein. Respondent shall within three (3) business days of being provided with an estimate of the quarterly charges of the Monitors deposit into said account an amount sufficient to cover all anticipated expenses of the Monitors for a three month period. Respondent shall thereafter directly pay all invoices for services provided by the Monitors on not less than a monthly basis. In the event Respondent shall fail to timely pay invoices submitted by the Monitors, said failure shall be cause for the Board to enter an Order temporarily suspending Respondent's license pending disposition of the criminal matter and further Order of the Board. In such event, monies deposited in the escrow account established to secure payment for monitoring services shall be used to pay invoices for services owing to the Monitors.

10. The Monitors shall comply with the requirements of HIPAA (45 CFR Parts 160 and 164) and maintain and respect the confidentiality of patients and any individually identifiable health information they may

acquire in the necessary performance of their functions, and shall not make any disclosures of information concerning individual patients other than disclosures to each other and to the Board as may be necessary to comply with their functions.

11. The Board expressly reserves the right to amend or alter any of the terms or conditions imposed herein upon application made by either party and a showing of good cause for modification of the Order, or upon the Board's own initiative should cause be found to exist to modify the terms of this Order. It is understood that if all Monitor reports indicate that Respondent's practice is being conducted within the requirements of the Board, that such petition may be filed within 90 days by Respondent.

12. Upon proof before the Board of Respondent's failure to materially comply with any of the conditions herein or upon proof that Respondent's conduct was in violation of N.J.S.A. 45:1-21, Respondent's license to practice medicine and surgery may be temporarily suspended pending disposition of the criminal matter and further Order of the Board. Respondent shall be given notice of all allegations and supporting proofs in advance of such an action. Respondent shall also be given notice and an opportunity to demonstrate compliance with the conditions set forth herein.

13. The parties hereby stipulate that entry of this Order is without prejudice to further action by the Board, the Attorney General, or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order or upon proof that Respondent's conduct is in violation of N.J.S.A. 45:1-21.

14. Consent is hereby given to consolidate the allegations contained in the First Verified Complaint and the Second Verified Complaint, and have the entire matter transmitted to the Office of Administrative Law for plenary hearing.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Sindy Paul, MD, MPH
Sindy Paul, M.D., M.P.H.
President

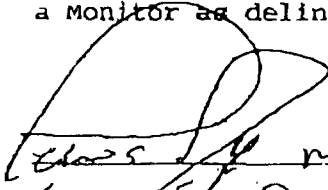
I have read and understood
the above Order and I agree
to abide by its terms.
Consent is hereby given to
the Board to enter this Order.

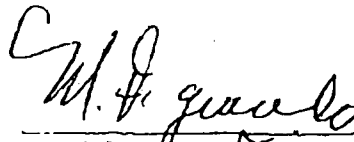
Shams M. Qureshi, M.D.
Shams M. Qureshi, M.D. 6-20-06

Consented to as to form:

Robert J. Conroy, Esq.
Robert J. Conroy, Esq.

I have been provided with
a copy of this filed Interim
Consent Order and agree
to perform the functions of
a Monitor as delineated therein.


Felix E. Roane


Mike FIGUEREDO

